

complaint

Mr B is unhappy that Santander UK plc won't refund payments he says he didn't authorise.

background

Mr B says money has been taken from his Santander bank account by an internet gaming company. This company is based overseas. Mr B says his young daughter set up an account on the company's website for a short time. He says she didn't buy anything.

Mr B then found out that many payments had been taken from his Santander account. He was also charged fees because the payments leaving his account were in a foreign currency.

Mr B says he only found out about the payments when his account became overdrawn. Santander refunded £250 of fees and charges to his account as a gesture of goodwill.

Our adjudicator found that Mr B had let his daughter use his bank card. He said this went against the guidance given to Mr B when the card was issued. The adjudicator said Santander wasn't liable for the payments made from his account.

Mr B wants an ombudsman to look at his case. He says his daughter didn't buy anything from the website – the payments weren't authorised.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Mr B has made many points in support of his complaint. But my decision focuses on what I consider is the central issue – should Santander refund the payments to him?

Mr B originally told both Santander and the gaming company that his daughter used his card without his permission. He later told Santander he had given her permission to use it.

Mr B says his card was first used for a different gaming website his daughter was using. He says he was charged US\$10 per month. Then his daughter wanted to change websites to the one who took the disputed payments. I've looked at Mr B's bank statements. In the four months before the disputed payments started, there aren't any payments to any other gaming websites.

The disputed payments started in February 2013. They carried on for 12 months. Mr B says he didn't check his bank statements as he rarely uses this bank account. He also says he didn't receive statements for this account. Mr B told Santander he didn't get statements from December 2013 to March 2014. He later told us he didn't get them between September 2013 and March 2014.

Mr B says he became aware of the problem in December 2013 when he tried to use his bank card at a cash machine. But the disputed payments carried on until February 2014. Mr B went to his local Santander branch in March 2014. Here, £250 of fees and charges were refunded to his account as a gesture of goodwill. From what I've seen, he didn't contact the gaming company until early May 2014 to query the payments.

Mr B also says the gaming company told him that no purchases were made using his card. I've seen nothing that shows this. From what I've seen, the gaming company only tells him his money hasn't been transferred into its main customer payments account.

Mr B says the gaming company hired an outside investigator who found that a Santander employee was committing fraud. This isn't quite right. Mr B asked the gaming company if it could have been an "inside" job. The company replied saying it was possible that his bank was the cause of the issue. I've seen nothing that shows the company told Mr B that a Santander employee was involved.

Mr B also says that his daughter couldn't have made the purchases. He says that many of the disputed payments were made when his daughter was at school. But I have to tell Mr B this isn't correct. The dates and times the payments show on his bank statement aren't the same as when the payments were actually made. These can and do differ quite a lot.

On balance, I think it is more likely than not that Mr B's daughter did make the purchases from the gaming website – possibly without realising she was doing so. In any event, Mr B has said she did use his bank card either with or without his permission. In the circumstances I'm satisfied it wouldn't be fair to make Santander refund the payments to him.

my final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 5 October 2015.

John Miles
ombudsman